S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5986/2007
(Babu Vs. State of Rajasthan)

DATE OF ORDER : 10/12/2007

**HON'BLE MR.H.R.PANWAR, J.**

Mr. Shambhoo Singh for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that the petitioner himself is physically handicapped person and there is amputation of one of his hand, he has placed on record the disablement certificate issued by Govt. Hospital, Hiran Magri, Udaipur showing amputation of one of the hand of the petitioner. Learned counsel for the petitioner submits that the petitioner and the first informant both are employees of the same department and it was an issue with regard to the duty hours and no injury has been caused.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Babu S/o Shri Mala in FIR No. 291/2007 P.S. Kushalgarh, district Banswara, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear

before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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